

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

July 10, 2018

548

The Honorable Ajit V. Pai
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Pai:

We are deeply concerned that the Federal Communications Commission (FCC) is poised to adopt a rule that would eliminate the agency's traditional and important role of helping consumers in the informal complaint process.¹ Too often, consumers wronged by communications companies face unending corporate bureaucracy instead of quick, meaningful resolutions. Historically, FCC staff has reviewed responses to informal complaints and, where merited, urged companies to address any service problems. Creating a rule that directs FCC staff to simply pass consumers' informal complaints on to the company and then to advise consumers that they file a \$225 formal complaint if not satisfied ignores the core mission of the FCC – working in the public interest.²

At a time when consumers are highly dissatisfied with their communications companies, this abrupt change in policy troubles us.³ As the chief communications regulator, the FCC plays a critical role in ensuring consumers—including families, small businesses, and struggling Americans—get fair and honest treatment from their service providers. We have all heard countless stories of consumers complaining to the FCC about waiting months to have an erroneous charge removed from their bill or for a refund for a service they never ordered or

¹ Federal Communications Commission, *Amendment of Procedural Rules Governing Formal Complaint Proceedings Delegated to the Enforcement Bureau*, Report and Order, EB Docket 17-245, FCC 18-XXX.

² *Id.* at note 14.

³ See, e.g., *Consumer Satisfaction with Cable, Internet Service Providers Drops Again*, The Motley Fool (May 24, 2018); *Customer Dissatisfaction with Mobile Carriers Runs High: Capgemini*, eWeek (May 11, 2016).

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about accessibility services that are not working. Oftentimes these issues are corrected for consumers as a result of the FCC's advocacy on their behalf.


We worry that the proposed change signals that the FCC no longer intends to play this role, and will instead simply tell consumers with limited means and time that they need to start an expensive and complicated formal legal process. Such an outcome is neither compelled by statute nor a wise public policy decision. Therefore, we urge you to reconsider this rule revision before the vote on July 12, consistent with applicable law and regulation.

If you have any questions regarding this matter, please contact Gerald Leverich of the Democratic Committee staff at (202) 225-3641.

Sincerely,



Frank Pallone, Jr.
Ranking Member



Mike Doyle
Ranking Member
Subcommittee on Communications
and Technology



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 23, 2018

The Honorable Frank Pallone
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
2322A Rayburn House Office Building
Washington, D.C. 20515

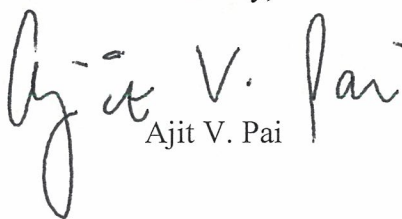
Dear Congressman Pallone:

Thank you for your letter regarding the Commission's informal complaint process. Consumers are at the center of everything we do at the Commission as we seek to fulfill our core mission of working in the public interest. I agree with you that the Commission's traditional role of helping consumers in the informal complaint process is extremely important. I therefore want to assure you that there has been no change to the Commission's longstanding practice of assisting consumers through the informal complaint process.

The Commission sought comment on proposed revisions to the text of our informal complaints rules in a *Notice of Proposed Rulemaking*, which was unanimously approved by the Commission in September 2017 (including every current member of the Commission). In the following nine months, not one commenter expressed any concern whatsoever about the change to the text of the informal complaint rule. The modification to the informal complaint rules in the *Report and Order* adopted on July 12, 2018 is exactly the same as was proposed in the *Notice*. As the career staff of the FCC's Enforcement Bureau made clear at our open meeting, that modification does not affect how the Commission deals with informal complaints but merely clarifies the existing, uncodified practice which has been in place since 1986—that the informal complaint process facilitates a dialogue and negotiations but does not result in a formal Commission ruling. As the career staff of the FCC's Enforcement Bureau made clear at our open meeting, that modification in no way impedes the Commission's ability to take enforcement actions on the basis of informal complaints. And as the career staff of the FCC's Enforcement Bureau made clear at our open meeting, media reports that Americans will have to pay a \$225 fee to file a complaint with the FCC are "blatantly false."

Please let me know if I can be of any further assistance.

Sincerely,


Ajit V. Pai



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The Honorable Mike Doyle
Ranking Member
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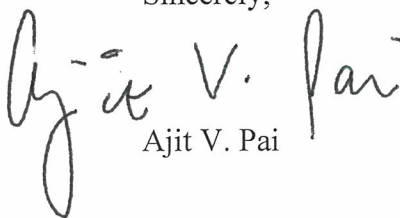
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